

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR94
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JUAN GARCIA,)	
)	
Defendant.)	

This matter is before the Court on the motion to withdraw from representing the Defendant on appeal (Filing No. 346) filed by Stefanie A. Martinez, and the following motions filed by the Defendant, Juan Garcia: for leave to appeal in forma pauperis (Filing No. 348); to proceed without payment of fees (Filing No. 357); and a supporting affidavit filed as a “motion” (Filing No. 358). The Defendant has filed a notice of appeal (Filing No. 347).

With respect to proceeding in forma pauperis on appeal, the Court concludes that the Defendant has satisfied the requirements of Federal Rule of Appellate Procedure 24(a)(1).

The motion to withdraw will be referred to the Eighth Circuit Court of Appeals.

IT IS ORDERED:

1. The Defendant’s motion for leave to proceed in forma pauperis on appeal (Filing No. 348) is granted;
2. The Defendant’s motion to proceed without payment of fees (Filing No. 357) is granted;
3. The Clerk is directed to “terminate” the affidavit (Filing No. 358) as a pending motion; and

4. The motion to withdraw from representing the Defendant on appeal (Filing No. 346) filed by Stefanie A. Martinez is referred to the Eighth Circuit Court of Appeals.

DATED this 27th day of March, 2007.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge